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2 United States Attorney
Eastern District of Washington
3 Brian M. Donovan
4 Assistant United States Attorney
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5 Spokane, WA 99210-1494
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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

Case No:

11 vs.

12
13 APPROXIMATELY \$23,857.90 U.S.
14 CURRENCY,

VERIFIED COMPLAINT FOR
FORFEITURE *IN REM*

15 Defendant.

16
17 Plaintiff, United States of America, by its attorneys, Joseph H. Harrington,
18 United States Attorney for the Eastern District of Washington, and Brian M. Donovan,
19 Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance
20 with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:
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22 I. NATURE OF THE ACTION

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24 1. This is an action to forfeit and condemn to the use and benefit of the
25 United States of America the above-captioned Defendant property seized by the
26 United States Drug Enforcement Administration for violations of Title II of the
27 Controlled Substances Act, 21 U.S.C. § 801 et seq.
28 VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

II. THE DEFENDANT(S) IN REM

2. The Defendant property consists of the following property:

(a) Receipt dated March 6, 2016, for \$23,857.90 USD in Northern Quest Resort and Casino winnings, labeled “JP Safekeeping, barcode number XXXXXX3347 (hereinafter “Casino Receipt”);

(b) The Casino Receipt’s value of \$23,857.90 U.S. currency in winnings payable by Northern Quest Resort and Casino.

III. JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court has *in rem* jurisdiction over the Defendant property under 28 U.S.C. § 1355(b).

4. Upon the filing of this complaint, Plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which Plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

IV. BASIS FOR FORFEITURE

6. Plaintiff repeats and re-alleges each and every allegation set forth in Paragraphs 1 through 5 above.

1 7. The Defendant property is liable to condemnation and forfeiture to the
2 United States for its use, in accordance with the provisions of 21 U.S.C. § 881(a)(6),
3 because it constitutes: 1) money, negotiable instruments, securities and other things
4 of value furnished and intended to be furnished in exchange for a controlled substance
5 in violation of the Controlled Substances Act; 2) proceeds traceable to such an
6 exchange; and/or 3) money, negotiable instruments, and securities used and intended
7 to be used to facilitate a violation of the Controlled Substances Act.
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10 V. FACTS

11 8. In 2014, the Spokane Violent Crime Gang Enforcement Team
12 (SVCGET), which includes the Federal Bureau of Investigation and the Spokane
13 Police Department, initiated an investigation into narcotics trafficking activities being
14 facilitated by several individuals in and around Yakima, Washington, and Spokane,
15 Washington, metropolitan areas. The investigation identified several individuals who
16 were facilitating narcotics trafficking in the area including Francisco Martinez-Perez
17 and Martinez-Perez's girlfriend Ana Laura Diaz-Negrete, among others.
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20 9. Based upon information discovered during the investigation, search
21 warrants and arrest warrants for multiple locations and people were obtained and
22 executed on June 13, 2017, and June 15, 2017. Pursuant to the search warrants and
23 arrest warrants, law enforcement seized various items including multiple vehicles,
24 over \$700,000 in US currency, several weapons, ammunition, and large amounts of
25 cocaine.
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1 10. On June 15, 2017, in connection with the search warrants and arrest
2 warrants executed as referenced in Paragraph 9, Detective Brad Richmond and Border
3 Patrol Agent Mike Pitts arrived at 9518 E. 4th Avenue, Trailer #61, Spokane Valley,
4 Washington, in an attempt to conduct a consent search and contact Ana Laura Diaz-
5 Negrete and/or Francisco Martinez-Perez.
6

7 11. Detective Richmond and Agent Pitts made contact with Diaz-Negrete,
8 and Agent Pitts took Diaz-Negrete into custody for her immigration status and
9 detained her. She was read a warning of her constitutional rights and Diaz-Negrete
10 voluntarily gave Agent Pitts consent to search the residence at 9518 E. 4th Avenue,
11 Trailer #61. The reading of her rights and the consent search waiver were audibly
12 recorded. Diaz-Negrete was brought inside the residence by Detective Richmond and
13 Agent Pitts during the search so she could revoke consent at any time.
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16 12. During the search of the residence, law enforcement officers found,
17 among other items, the Casino Receipt dated March 6, 2016, in a back bedroom. Other
18 items seized from the residence include a box of ammunition and a cell phone in a
19 lock safe; a money transfer receipt to Mexico; a certificate of title for a Ford vehicle in
20 the name of Francisco Martinez-Perez; a bill of sale and receipt for the trailer located
21 at 9518 E. 4th Ave., Trailer #61, in the name of Francisco Martinez-
22 Perez; and forged identification including a social security card in the name of Ana L.
23 Diaz with a fake social security number and a permanent residence card.
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1 13. Diaz-Negrete was asked who owned the Casino Receipt. She stated that
2 the Casino Receipt was owned by Israel Barbosa. Diaz-Negrete identified Barbosa as
3 the nephew of Martinez-Perez. Barbosa's address of residence was listed by the
4 Department of Licensing as 9518 E. 4th Avenue, Trailer #61.
5

6 14. As part of the SVCGET investigation, Francisco Martinez-Perez and Ana
7 Laura Diaz-Negrete were both identified as individuals involved with the trafficking
8 of illegal controlled substances in the Spokane area. Intelligence gathered indicates
9 that Francisco Martinez-Perez is in the hierarchy of a Mexican cartel-affiliated drug
10 trafficking organization and is known to distribute kilogram-level quantities of
11 cocaine and methamphetamine in Eastern Washington.
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14 15. A report run by Washington State Employment Security Department on
15 September 27, 2016, shows no wages reported by employers for Francisco Martinez-
16 Perez from July 1, 2013, through June 30, 2016.
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18 16. A report run by Washington State Employment Security Department on
19 June 14, 2016, shows no wages reported by employers for Ana Laura Diaz-Negrete
20 from January 1, 2013, through March 31, 2016.
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22 17. At the time of the search, Barbosa was 18 years old (DOB: 5/28/1999).
23 However, as of the date on the Casino Receipt, Barbosa was 17 years old, under the
24 legal age for gambling in the state of Washington.
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26 18. Barbosa was charged with a first degree assault with a knife that occurred
27 on April 23, 2016, at Taqueria la Flor de Michoacan, the restaurant owned by Diaz-
28
VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

1 Negrete and/or Martinez-Perez which, according to the underlying investigation, was
2 used as a front for narcotics trafficking.

3 19. As a result of the underlying ongoing investigation into narcotics
4 trafficking, law enforcement officers received information that Martinez-Perez fled to
5 Mexico in late April 2016 or early May 2016. Law enforcement officers also received
6 information that Barbosa accompanied Martinez-Perez to Mexico at this time.
7

8 20. Detective Richmond notified the Northern Quest Resort and Casino of
9 the intended seizure of the US currency as it was believed that the jackpot was won
10 with proceeds from illegal narcotics trafficking.
11

12 21. On June 20, 2017, related to the ongoing narcotics trafficking
13 investigation, the United States filed an Indictment charging several individuals,
14 including Martinez-Perez, with Conspiracy to Distribute Cocaine and 500 Grams or
15 More of a Mixture and Substance Containing a Detectable Amount of
16 Methamphetamine in violation of 21 U.S.C.
17 §§ 846, 841(a)(1),(b)(1)(A)(viii).
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19 22. On July 11, 2017, the United States filed a Superseding Indictment which
20 contained a forfeiture allegation against the Casino Receipt seized from 9518 E. 4th
21 Ave., Trailer #61, on June 15, 2017.
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23 23. There are no known claims by any individuals to the Casino Receipt.
24 Martinez-Perez remains a fugitive who is believed to reside in Mexico. Barbosa, an
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1 uncharged co-conspirator in the related criminal case, remains a fugitive in relation to
2 his Washington State assault charge and is believed to continue to reside in Mexico.

3 VI. CONCLUSION

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5 WHEREFORE, Plaintiff requests that the Clerk of the Court issue a warrant for
6 the arrest of the Defendant property; that notice of this action be given to all persons
7 who reasonably appear to be potential claimants of interests in the property; that the
8 Defendant property be forfeited and condemned to the United States of America; that
9 Plaintiff be awarded its costs and disbursements in this action and for such other and
10 further relief as this Court deems proper and just.
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12
13 DATED this 18th day of June 2019.

14 Joseph H. Harrington
15 United States Attorney

16 s/ Brian M. Donovan
17 Brian M. Donovan
18 Assistant United States Attorney

19 VERIFICATION

20 I, Devin Presta, hereby verify and declare under penalty of perjury that I am a
21 Task Force Officer with the Federal Bureau of Investigation/Eastern Washington
22 Spokane Regional Safe Streets Task Force in Spokane, Washington, that I have read
23 the foregoing Verified Complaint *in rem* and know the contents thereof, and that the
24 matters contained in the Verified Complaint are true to my own knowledge, except
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1 those matters herein stated to be alleged on information and belief, and as to those
2 matters I believe them to be true.

3 The sources of my knowledge and information and the grounds of my belief are
4 the official files and records of the United States and information supplied to me by
5 other law enforcement officers, as well as my investigation of this case, together with
6 others, as a Task Force Officer.

7
8 I hereby verify and declare under penalty of perjury that the foregoing
9 information is true and correct.

10
11 DATED this 18th day of June 2019.

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15 _____
16 Detective Devin Presta, Task Force Officer
17 Federal Bureau of Investigation/Eastern Washington
18 Spokane Regional Safe Streets Task Force
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JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian M. Donovan, AUSA, United States Attorney's Office, P.O. Box 1494, Spokane, WA 99210-1494 (509) 353-2767

DEFENDANTS

Approximately \$23,857.90 U.S. Currency

County of Residence of First Listed Defendant Spokane

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)☒ 1 U.S. Government Plaintiff☐ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 881Brief description of cause:
civil forfeiture of drug proceeds**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**


(See instructions):

JUDGE NielsenDOCKET NUMBER 17-CR-0101-WFN-10

DATE

06/18/2019

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE